

# EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

KATHLEEN KITTERMAN,  
ANNA CRONIN,  
CORRIE BALL,  
MARVIN BALL,  
MARGARET BROGAN and  
EVAN JONES,

Plaintiffs,

vs.

CASE NO.: 2:12cv146

CLAUDIO TOVAR-GUZMAN,  
FORTINO GARCIA AND SONS  
HARVESTING, INC., and,  
KUZZEN'S,

Defendants.



DEPOSITION OF MARIA JIMENEZ

Taken on Behalf of the Plaintiffs

DATE TAKEN: May 29, 2013

TIME: 9:13 a.m. - 11:19 a.m.

PLACE: Gregory Court Reporting  
2650 Airport Road South, Ste. A  
Naples, FL 34112

Examination of the witness taken before:

Jan D. Bickford, Court Reporter  
Gregory Court Reporting Service, Inc.  
2650 Airport Road South, Suite A  
Naples, Florida 34112

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CERTIFIED COPY

APPEARANCES

On Behalf of the Plaintiffs:

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DAVEY & BROGAN, P.C.  
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Norfolk, VA 23514

On Behalf of Claudio Tovar-Guzman and Fortino Garcia and  
Sons Harvesting, Inc.:

JAMES R. JEB0, ESQ. {Via speakerphone}  
HARMAN, CLAYTOR, CORRIGAN & WELLMAN  
P.O. Box 70280  
Richmond, VA 23255

On Behalf of Kuzzen's:

BRIAN N. CASEY, ESQ.  
TAYLOR & WALKER, P.C.  
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Norfolk, VA 23510

On Behalf of USAA:

JOHN G. BAKER, ESQ. {Via speakerphone}  
FRAIM & FIORELLA, PC  
Town Point Center  
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Norfolk, VA 23510

On Behalf of ACE:

ALEXANDER K. PAGE, ESQ. {Via speakerphone, }  
LeCLAIR RYAN  
123 East Main Street, Eighth Floor  
Charlottesville, VA 22902

Also Present:

MARGARET BROGAN  
CHRISTOPHER HARRELL {Via speakerphone}

## I N D E X

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## E X H I B I T S


| EXHIBIT NO. | DESCRIPTION                        | PAGE |
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| No. 1       | Claudio Tovar-Guzman File          | 20   |
| No. 2       | Payroll Detail Report              | 28   |
| No. 3       | List of Phase ID Phase Description | 31   |
| No. 4       | Employee Checks                    | 67   |

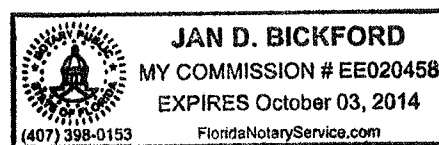
## 1 CERTIFICATE OF OATH

2  
3 STATE OF FLORIDA )  
4 COUNTY OF COLLIER)

5  
6 I, Jan D. Bickford, Notary Public for the State of  
7 Florida, do hereby certify that **MARIA JIMENEZ** appeared  
8 before me and was duly sworn by me to tell the truth.

9 WITNESS MY HAND AND MY SEAL in the City of Naples,  
10 County of Collier, State of Florida, this 14th day of July  
11 2013.

12  
13  
14  
15   
16 Jan D. Bickford, Court Reporter  
17 Notary Public, State of Florida  
18 Commission No.: EE020458  
19 Commission Expires: 10/3/14



1 takes care of those payroll services?

2 A Yes.

3 Q And for people working for Kuzzen's who are below  
4 the foreman level, LFC Agricultural Services takes care of  
5 those workers --

6 A Yes.

7 Q -- Kuzzen's workers?

8 A That are working at a Kuzzen's, yes.

9 Q Okay. Does Kuzzen's actually employ anybody?

10 A No.

11 Q Okay.

12 MR. BAKER: This is John Baker. What was the  
13 answer to that question?

14 MR. CASEY: She said, "no."

15 MR. BAKER: Okay.

16 BY MR. BROGAN:

17 Q So everybody who works on Kuzzen's farms is  
18 either employed by LFC Management Services, Inc., or LFC  
19 Agricultural Services, Inc.?

20 A Correct.

21 Q Okay. Now, are you employed by any other entity?

22 A No.

23 Q Okay. So do you know whether Kuzzen's files a  
24 consolidated tax return -- or I guess I should be asking  
25 whether Lipman files a consolidated tax return?

1 a worker in the field receives this notification letter  
2 and does nothing about it, do you wait until you get  
3 another letter from the Social Security Administration?

4 A I don't know what it is that they do, but I -- I  
5 don't know what it is that they do.

6 Q Okay. I would like to turn your attention to  
7 some other documents we received.

8 MR. BROGAN: Hey, guys, I'm handing her what we  
9 have been given from Kuzzen's, identified as  
10 Kuzzens-004 through, I guess, -85. Yeah, through -85.

11 (Exhibit No. 2 was marked for identification.)

12 BY MR. BROGAN:

13 Q Here we go. This is -- Exhibit 2 is a -- has  
14 written on the top of it "Payroll Detail Report, LFC  
15 Agricultural Services, Inc." It's also identified as, on  
16 the side, Kuzzens-00004 through Kuzzens-00085?

17 A Okay.

18 Q Okay. I have a few questions regarding this.

19 And this is -- can you tell me the name of  
20 individual for whom this payroll report is printed?

21 A It is Claudio Tovar-Guzman -- or I'm sorry.  
22 Yeah, Tovar-Guzman, yes.

23 Q Okay. Okay. Well, now I guess you admit that  
24 Claudio Tovar-Guzman was an employee of LFC Agricultural  
25 Services, at least for the dates that are identified in

1 here?

2 A Yes.

3 Q Okay. And let me start off with -- with the top.

4 What is -- the entry number, what's that number?

5 What does it identify?

6 A Entry number? I don't work in payroll, but --

7 Q Okay.

8 A -- from my understanding it is whenever a payroll  
9 is entered into the payroll system, that -- that's what  
10 the entry number is -- it stands for. Whenever Claudio  
11 Tovar-Guzman was in -- whenever that payroll for -- the  
12 first line, the back pay hourly, it was entered in, it was  
13 saved as 21739. It's an automated number that just gets  
14 assigned to it.

15 Q Okay. So that's particular to Claudio Guzman?

16 A Yes.

17 Q Okay. So --

18 A And it may include other individuals. It's  
19 not -- he may be the only one. He may have some -- you  
20 know, there may have been other individuals that may have  
21 been saved.

22 Q Okay. So just a way to find it in the -- in the  
23 software?

24 A Yes. Correct.

25 Q Okay. Fair enough. When it says "Work Date," I



1 take it that's the date the individual worked?

2 A Yes.

3 Q Or would that be the date he was paid?

4 A The day the individual worked.

5 Q Okay. And this "Multi Chk," I guess -- I guess  
6 if it was more than one check, it would say two or three  
7 or something?

8 A Yes.

9 Q Okay. And then "St," the state in which he was  
10 working at the time?

11 A Correct.

12 Q So if it says "Virginia," would he have been  
13 working at Kuzzen's Virginia farm?

14 A Yes.

15 Q If it said "South" -- or "SC," that would have  
16 been Kuzzen's farm in South Carolina?

17 A Yes.

18 Q Okay. This "Min Guar," do you know what that  
19 means?

20 A I believe it's minimum wage guaranteed.

21 Q Okay. I'll come back to that.

22 And then "Ag" --

23 A I don't know.

24 Q -- means he's an agriculture worker?

25 A I'm not -- I don't know.

## REPORTER'S DEPOSITION CERTIFICATE


STATE OF FLORIDA )

COUNTY OF COLLIER)

I, Jan D. Bickford, Court Reporter and Notary Public in and for the State of Florida at Large, certify that I was authorized to and did stenographically report the deposition of MARIA JIMENEZ; that a review of the transcript was requested and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties; nor am I a relative or employee of any of the parties' attorney or counsel connected with the action; nor am I financially interested in the action.

DATED this 14th day of July 2013.

  
Jan D. Bickford, Court Reporter  
Notary Public, State of Florida  
Commission No.: EE020458  
Commission Expires: 10/3/14